

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY D. HILL	:	
	:	Case No. 4:05-CV-1229
Plaintiff,	:	
	:	
v.	:	
	:	(Judge McClure)
EVELYN DERRICK,	:	
RICHARD SUTTON,	:	
JANE STUGART-OTTERBEIN,	:	
AND LORI CRESSMAN,	:	
	:	
Defendants.	:	

O R D E R

February 3, 2006

BACKGROUND:

On June 20, 2005, plaintiff Jeffrey D. Hill commenced the instant litigation by filing a pro se complaint in the Middle District of Pennsylvania. The complaint arises out of plaintiff's banishment from the Muncy Public Library. On November 3, 2005, we granted defendants' motion to dismiss in part, but allowed plaintiff's section 1983 claims, liberally construed as alleging violations of the First and Fourteenth Amendments, to remain against defendants Derrick and Cressman. (Order, Rec. Doc. No. 20.)

In our November order we dismissed the claims against defendant Richard

Sutton. Now before the court is Hill's January 27, 2006 motion to reconsider our decision to dismiss the claims against Sutton. For the following reasons we will deny Hill's motion.

DISCUSSION:

First, we agree with defendants that Hill failed to comply with Local Rule 7.10, which requires any motion for reconsideration or reargument to be filed within ten days after entry of the contested order. Second, even if Hill's motion were timely we would deny it on the merits. As noted in the November order, Hill cannot succeed on a claim against Sutton for failure to adequately investigate and his allegations of a conspiracy were conclusory. (Rec. Doc. No. 20, at 7-8.) We also noted in our order dismissing the claims against Sutton that although Hill asserts that Sutton directed subordinates to arrest him, Hill was not arrested and criminal charges were not filed against him. (*Id.* at 7. n.2.) Thus, Hill's recent motion to reconsider our November order would fail on the merits even if it were timely.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Hill's pro-se motion "Plaintiff's Motion to Reinstate Richard Sutton as a Defendant" construed as a motion to reconsider our November 3, 2005 order

dismissing claims against defendant Richard Sutton is denied as untimely under
L.R. 7.10. (Rec. Doc. No. 42.)

s/ James F. McClure, Jr.
James F. McClure, Jr.
United States District Judge